

85th Legislative Session – 2010

Committee: House Judiciary

Wednesday, January 27, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Engels
P Feinstein
P Gibson
P Gosch
P Hamiel
P Hoffman
P Hunt, Vice-Chair
P Killer
P Lust
P Moser
P Schlekeway
P Turbiville
P Cutler, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Joni Cutler.

MOTION: TO APPROVE THE MINUTES OF FRIDAY, JANUARY 22, 2010.

Moved by: Gosch
Second by: Schlekeway
Action: Prevailed by voice vote.

HB 1062: provide for certain mandatory training for county coroners.

Prior testimony heard on Friday, January 22, 2010.

Presented by: Marty Jackley, Attorney General
Proponents: Senator Gene Abdallah

Staci Eggert, SD Sheriff's Association
Representative Bill Van Gerpen

MOTION: AMEND HB 1062

1062ra

On page 3, line 7, of the printed bill, delete "elected" and insert "selected".

Moved by: Engels
Second by: Gibson
Action: Prevailed by voice vote.

MOTION: AMEND HB 1062

1062rb

On page 3, line 7, of the printed bill, after "standards" insert ", in consultation with the county coroners,".

Moved by: Hunt
Second by: Hoffman
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1062 AS AMENDED

Moved by: Hunt
Second by: Gosch
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1062

1062rc

On page 3, line 18, of the printed bill, delete "elected or newly appointed" and insert "selected".

Moved by: Feinstein
Second by: Engels
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1062 AS AMENDED

Moved by: Hunt
Second by: Gibson
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Hunt, Killer, Lust, Moser, Schlekeway, Cutler

Excused: Turbiville

HB 1070: revise certain provisions relating to the voidability of gambling contracts.

Presented by: Representative Richard Engels
Proponents: Jeremiah D. Murphy, Citibank
Brett Koenecke, SD Bankers Association

MOTION: AMEND HB 1070

1070ra

On page 2, line 5, of the printed bill, after "." insert "However, any contract where the creditor is a regulated lender as defined in § 54-3-14, or any other good faith lender, is not subject to this section.".

Moved by: Hunt
Second by: Lust
Action: Prevailed by roll call vote. (8-5-0-0)

Voting Yes: Gosch, Hamiel, Hoffman, Hunt, Lust, Schlekeway, Turbiville, Cutler

Voting No: Engels, Feinstein, Gibson, Killer, Moser

MOTION: DEFER HB 1070 TO THE 41ST LEGISLATIVE DAY

Moved by: Lust
Second by: Hunt
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1070 AS AMENDED

Moved by: Feinstein
Second by: Gibson
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Killer, Moser, Schlekeway, Cutler

Voting No: Hunt, Lust, Turbiville

HB 1047: revise certain powers of a conservator.

Presented by: Dan Todd, Department of Social Services

MOTION: AMEND HB 1047

1047oa

On page 1, line 4, of the printed bill, overstrike "upon".

On page 1, line 5, overstrike "the death of the protected person,".

On page 1, delete lines 6 to 9, inclusive, and insert "the court following a hearing. A guardianship or conservatorship of a protected person shall also terminate upon the death of the protected person unless the assets of the conservatorship are less than two thousand dollars and the conservator elects to provide notice pursuant to § 29A-5-410 and obtains court approval to pay the debts and distribute the assets of the protected person to the heirs of the protected person pursuant to chapter 29A-2.".

Moved by: Gosch
Second by: Gibson
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1047 AS AMENDED

Moved by: Moser
Second by: Schlekeway
Action: Prevailed by roll call vote. (12-1-0-0)

Voting Yes: Engels, Gibson, Gosch, Hamiel, Hoffman, Hunt, Killer, Lust, Moser, Schlekeway, Turbiville, Cutler

Voting No: Feinstein

HB 1071: revise certain provisions relating to parental liability for willful acts of a child and to revise the limitation on recovery.

Presented by: Representative Richard Engels

MOTION: DO PASS HB 1071

Moved by: Hoffman

Second by: Gibson

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Hunt, Killer, Lust, Moser, Schlekeway, Turbiville, Cutler

MOTION: PLACE HB 1071 ON CONSENT CALENDAR

Moved by: Moser

Second by: Lust

Action: Prevailed by voice vote.

HB 1085: prohibit certain interaction between children and registered sex offenders at youth activities.

Presented by: Representative Manny Steele

MOTION: DEFER HB 1085 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville

Second by: Gosch

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND HB 1085

1085ra

On page 1, line 7, of the printed bill, after "child" insert ", other than the sex offender's child, stepchild, or grandchild,".

Moved by: Hunt

Second by: Schlekeway
Action: Prevailed by voice vote.

MOTION: DEFER HB 1085 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Moser
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1085 AS AMENDED

Moved by: Hunt
Second by: Hamiel
Action: Failed by roll call vote. (5-7-1-0)

Voting Yes: Gibson, Hamiel, Hoffman, Hunt, Schlekeway

Voting No: Feinstein, Gosch, Killer, Lust, Moser, Turbiville, Cutler

Excused: Engels

MOTION: DEFER HB 1085 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Gosch
Action: Prevailed by roll call vote. (7-5-1-0)

Voting Yes: Feinstein, Gosch, Killer, Lust, Moser, Turbiville, Cutler

Voting No: Gibson, Hamiel, Hoffman, Hunt, Schlekeway

Excused: Engels

HB 1092: revise the certain provisions concerning continuing liens on wages by garnishment.

Presented by: Representative Mark Kirkeby

MOTION: DO PASS HB 1092

Moved by: Lust
Second by: Gosch

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Feinstein, Gibson, Gosch, Hamiel, Hoffman, Hunt, Killer, Lust, Moser, Schlekeway, Turbiville, Cutler

Excused: Engels

MOTION: PLACE HB 1092 ON CONSENT CALENDAR

Moved by: Hoffman

Second by: Gibson

Action: Prevailed by voice vote.

HB 1068: revise the limitation on damages for medical malpractice actions.

Presented by: Representative Mike Verchio

Opponents: Roger Tellinghuisen, SD Trial Lawyers Association
Dave Gerdes, SD State Medical Association (Handouts: #1,#2)

MOTION: DEFER HB 1068 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville

Second by: Gibson

Action: Prevailed by roll call vote. (13-0-0-0)

Voting Yes: Engels, Feinstein, Gibson, Gosch, Hamiel, Hoffman, Hunt, Killer, Lust, Moser, Schlekeway, Turbiville, Cutler

MOTION: ADJOURN

Moved by: Schlekeway

Second by: Gibson

Action: Prevailed by voice vote.

Linda Dugaard
Committee Secretary

Joni M. Cutler, Chair